



Update on COPIC's 2021 Rates



It's been a challenging year, and COPIC is continually looking at ways we can help our insureds prepare to transition into 2021. Each year, we conduct an in-depth analysis of market conditions, claims trends, and actuarial projections to determine next year's rates. In addition, the other influential element in rate determination is the commitment of our insureds to patient safety and risk management, which leads to better outcomes and fewer claims.

COPIC is pleased to announce that there will not be any medical liability insurance rate increases for 2021. To better understand our ratemaking process, here is an overview of key factors.

CLAIMS TRENDS

Frequency of claims was stable while there was a slight increase in severity (total amount paid per claim). COVID-19 caused a "stay" (halting of proceedings) that disrupted the normal flow of medical liability cases through the legal system. There is still uncertainty of the broader impact of COVID-19 on claims trends, but COPIC is closely monitoring results and taking steps to prepare for potential outcomes.

RESOURCES TO IMPROVE OUTCOMES

At the forefront of COPIC's efforts are the development of educational programs and resources that help insureds navigate the challenges of health care. In 2020, COVID-19 was the main focus as our team worked diligently to develop guidelines, highlight regulatory changes, shift programs to a virtual format, and provide direct assistance for addressing the issues that emerged out of this pandemic.

A STRONG DEFENSE TEAM

COPIC's defense team stands beside insureds every step of the way during a claim or lawsuit. We focus on protecting your reputation when medicine meets the standard of care and put all of our resources behind this. This includes in-depth case reviews, peer-to-peer support, and ongoing efforts to streamline our process. COPIC's ultimate goal is to get you back to what you're trained for—taking care of patients.

ADVOCACY FOR GOOD MEDICINE

COPIC's advocacy efforts focus on health care on the state level. This includes monitoring legislation that impacts health care, working with partner organizations to represent the interests of medical providers and their patients, reviewing regulatory changes through legal and medical perspectives, and forming coalitions that share a commitment to improved medicine.

- Base rates for all physician insured specialties and allied health professionals (AHPs) will remain the same.
- Base rates remain at 5 percent of the net premium for all physicians and AHPs (with separate limits of liability) who perform services on behalf of a professional corporation (PC).

- Rating factors that determine facility premiums have not increased.
- Accounts with optional increased cyber liability coverage will see an increase for their 2021 term of up to 20%. Individual notices will be mailed.

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COVID PREPAREDNESS—COPIC POINTS

We understand the added steps you have taken during the pandemic in order to protect your patients, your staff and yourself from the virus while delivering quality care. To recognize the impact and efforts of every health care provider during the COVID-19 pandemic, we are awarding each eligible physician and advanced practice provider 3 COPIC points to recognize the additional steps necessary to provide safe care during the pandemic.

In addition, we are awarding each of our eligible insured facilities the Tier 1 (3%) discount to recognize their efforts as well. Eligible facilities can still earn points to reach higher tiers of discount (7% and 10%) in the usual fashion.

While it is likely that we will still be feeling lingering impact from the pandemic in 2021, we plan to resume the COPIC Points Program as normal. Insureds and facility policyholders will need to earn the respective points by 12/31/21 for the discount to apply at the time of your policy renewal in 2022.



COPIC MEDICAL FOUNDATION REQUEST FOR GRANT FUNDING PROPOSALS

RFP submissions are now open

The COPIC Medical Foundation kicked off its new strategic responsive grantmaking approach in November by posting a Request for Proposals (RFP) form. This form needs to be completed and submitted to the Foundation for those who are interested in grant funding. The RFP for the 2021 grant cycle will be due January 15, 2021.

To be considered for funding, organizations must meet established criteria, which includes:

1. Approach or program has demonstrated potential for uptake or replication by the health care community.
2. Organization is designated as a 501(c)(3) organization or has an identified fiduciary.

Please visit the Foundation's website information at www.callcopic.com/about-copic/copic-medical-foundation to download the RFP.

COVID-19 RESOURCES ON COPIC'S WEBSITE

www.callcopic.com/covid-19-information-and-resources

COPIC continues to update COVID-19 resources on our website. These resources include:

- Details about your COPIC policy
- Risk management/clinical guidelines such as steps to take with elective procedures, best practices to keep your practice open, and disclosures when caregivers test positive for COVID-19

- Telehealth guidance and resources
- State summaries that highlight regulatory updates and executive orders
- Links to physician and provider wellness resources

You can access this information via our COVID-19 Information and Resources page at www.callcopic.com/covid-19-information-and-resources

INCREASED CYBER LIABILITY PROTECTION COPIC offers added levels of coverage for your needs



Increased sophistication of cyber criminals, a growing base of connected devices, and human error all contribute to a health care environment rife with cyber security risks that continue to be exploited by criminal actors.

As health care practices rely more and more on technology from telehealth consults to electronically-stored and accessed patient records, your most susceptible asset—protected health information—is vulnerable to ongoing threats. **Because of this, COPIC wants to inform insureds about how we offer added levels of protection, resources to address cyber risks, and support that responds immediately if there is a data breach.**

DID YOU KNOW?

- ➔ *Cybercrime claims in 2019 rose 254% over 2018 in the health care segment.¹*
- ➔ *Ransomware, a malware used by cyber thieves to encrypt data and demand money so the business can regain control, is on the rise; the average ransom demand doubled in 2019, from \$42K to \$84K.²*
- ➔ *Should a breach occur, the average expense is \$429 per record not including fines and penalties imposed by the Office for Civil Rights.³*

Assess and Mitigate Your Cyber Risk: COPIC Can Help

Employee negligence continues to be the leading cause of cyber loss among health care policyholders, as cyber thieves trick people into providing login or credit card information. Ransomware and rogue employees are the second and third largest areas of risk and vulnerability.

As a COPIC policyholder, you already have embedded cyber liability coverage in your policy that provides access to robust resources through our website (www.callcopic.com/coverage-options/cyber-liability).

These resources can help manage risks:

- ✓ Cyber training materials for your staff such as video tutorials, quizzes, and awareness posters

- ✓ Sample policies and templates
- ✓ Tools to implement best practices
- ✓ Incident response plans

Consider increasing your protection level

COPIC currently provides a cyber liability policy that includes \$100,000 of coverage through Tokio Marine. While your current policy covers multiple aspects of a breach, expenses to repair the damage can grow quickly and added levels may be appropriate for your situation and risks.

If you'd like to request a formal quote to increase your protection or have questions about what your current policy covers, contact your COPIC underwriter today or Mitch Laycock at (720) 858-6297 or mitchl@copic.com.

¹ Based on data from Tokio Marine's, a multinational insurance company, portfolio

² www.coveware.com/blog/q1-2020-ransomware-marketplace-report

³ <https://newsroom.ibm.com/2019-07-23-IBM-Study-Shows-Data-Breach-Costs-on-the-Rise-Financial-Impact-Felt-for-Years>



PR/COMMUNICATION SUPPORT FOR INSUREDS

COPIC wants to help you navigate communication challenges such as responding to media inquiries or participating in discussion forums. We work with a well-respected public relations/media consultant and are expanding these services to include one-on-one support for our insureds at no additional cost.

Call our Patient Safety and Risk Management department at (720) 858-6396 during business hours for more information.



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Did you miss a previous edition of COPIC newsletters? Don't worry. A full archive of past newsletters can be accessed on callcopic.com.

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24/7 Risk Mgmt. Hotline
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866/274-7511

To Make an Incident Report
720/858-6395

Legal Helpline
720/858-6030

Claims Department
720/858-6157

Patient Safety & Risk Management Department
720/858-6396
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Connect with COPIC  



THE LEGISLATIVE LANDSCAPE

2020 STATE ELECTION RESULTS AND OUR FOCUS ON THE ROAD AHEAD

With the November elections over, our focus moves to preparing for the 2021 legislative session. The 2020 Colorado legislative session was unprecedented due to the Coronavirus pandemic and the policy and budget challenges that followed. Colorado's Joint Budget Committee is preparing to make significant cuts to the state budget, beyond those necessary to balance this year's budget. While we do not fully know the impact that this will have on health care, it could mean further cuts to Medicaid provider reimbursement rates, behavioral health, opioid reduction, early intervention programs or the Children's Basic Health Plan.

Democrats gained a U.S. Senate seat in Colorado with former governor John Hickenlooper defeating incumbent Cory Gardner. In the seven U.S. Congressional races, six incumbents won re-election. In the closest race of the night, Republican Lauren Boebert defeated Democrat and former state representative Diane Mitsch Bush, keeping the seat in Republican control. We are keeping an eye on health care policies at the federal level, such as telehealth expansion, the Affordable Care Act, and COVID-19 protections, and how they might impact state policies and your ability to deliver safe, quality care.



2020 STATE ELECTION RESULTS

COPIC is encouraged that many of the incumbents we support were re-elected to the legislature by their constituents in addition to many new candidates that COPIC met with early in their candidacy and have established positive relationships. We remain positive that these legislators share our goal of improving access to safe, quality health care delivery.

Heading into 2021, Colorado's State Senate and House of Representatives will remain in Democratic control. The Colorado State Senate saw the Democrats pick up one seat, expanding their majority from 19(D)—16(R) to 20(D)—15(R). The Colorado House will remain Democrat-controlled in 2021 with a 41(D)—24(R) majority. Democratic Governor Jared Polis was not on this fall's ballot. The Governor has two years remaining in his first term.



POLICY AREAS TO MONITOR IN 2021

Through conversations and meetings with our health care partners in Colorado, our Public Affairs team has identified a handful of potential public policy topics that we expect to be at the forefront of the 2021 legislative session:

- Provider protections during future health crises
- Provider scope of practice issues
- Colorado Public Health Care Option

The Colorado General Assembly is slated to convene on January 13th, 2021 and adjourn on May 1st, 2021.



SUPPORTING STATE LEGISLATORS

A key aspect of our legislative advocacy is meeting with state-level candidates to discuss COPIC's priorities of improving medicine and practice quality so that patients have access to safe, quality care. During the summer and fall months, COPIC conducted meetings designed to inform legislators about the issues that are vital to maintaining balance in Colorado's health care environment. It also provided opportunities to hear candidates' views on policy positions and engage in thoughtful discussions. COPIC's legislative advocacy team continues to offer a non-partisan perspective on health care. We are in a unique position to share insight that considers both the challenges of medical providers and the concerns of patients.



BILLS OF INTEREST SIGNED INTO LAW IN 2020

School Entry Immunization, Senate Bill 163 (Senator Gonzales and Representative Mullica) aims to increase the statewide immunization rate to 95%, a standard required by the Colorado Department of Public Health and Environment (CDPHE) for school entry by 2023. The bill consolidates the current religious and personal belief exemptions for immunizations into one non-medical category and requires the use of a standardized state-issued form to claim the non-medical exemption, which must be signed by either an immunizing provider or a local public health agency. Immunizing providers would not be required to sign an exemption form. This bill was signed by the governor on June 26th, 2020.

LEGISLATIVE LANDSCAPE (FROM PAGE 1)

Governmental Immunity for Health Facilities, House Bill 1330 (Representative Lontine and McKean and Senator Gardner and Lee) carved out certain University of Colorado Hospital Authority (UCHA) employees and facilities from the Colorado Governmental Immunity Act (CGIA). The “carve out” from governmental immunity will apply to health care practitioners (physicians, dentists, and clinical psychologists) and health care professionals as defined under the Health Care Availability Act (HCAA) (any person licensed to practice medicine, nursing, or other healing arts) unless they are providing services on the Anschutz Medical Campus or at facilities operating under the University Hospital license including off-campus locations. The CGIA carve out doesn’t apply to the CU School of Medicine employed providers, practitioners in training, clinical faculty as to any injury caused by a practitioner-in-training under that health care practitioner’s supervision, or volunteers. Those UCHA providers and facilities that are now carved out of CGIA will now fall within the HCAA. This bill was signed by the governor on July 2nd, 2020.

Practitioner Information Disclosure, Senate Bill 102 (Senator Ginal and Representative Caraveo) requires practitioners to disclose to a patient or prospective patient any prior criminal conviction for a “sex offense.” The bill also requires the practitioner to disclose any final disciplinary action for any finding of “sexual misconduct.” This bill was signed by the governor on June 29th, 2020.

As always, COPIC will continue to monitor legislative activities with our partners, including the Colorado Medical Society and Colorado Hospital Association. To learn more about COPIC’s legislative and policy engagement efforts, contact Beverly Razon, Senior Vice President of Public Affairs, at (720) 858-6056 or brazon@copic.com. For information on legislation or to find your elected officials, visit us at www.callcopic.com and go to the Legislative Action Center link under the Resource Center section.

ADVERSE INCIDENT?

CONSIDER UTILIZING THE COLORADO CANDOR ACT WITH COPIC’S GUIDANCE

WHAT IS CANDOR?

The term “Candor” is used in health care to describe a framework for addressing adverse health care incidents in a way that preserves the provider-patient relationship, allows for open communication, and supports improvements in patient safety. In 2019, Colorado passed the Colorado Candor Act that enables health care providers and facilities to offer timely and thorough responses to patients who experience an adverse incident.

WHAT TYPES OF MEDICAL PROVIDERS AND FACILITIES CAN UTILIZE THE COLORADO CANDOR ACT?

Physicians, physician assistants, podiatrists, licensed practical and registered nurses, advanced practice nurses, pharmacists, and others who are licensed, certified, registered or otherwise permitted to provide health care services in Colorado. In addition, hospitals/health care facilities including clinics, community health centers, community mental health centers, surgical centers, and residential care or nursing homes are eligible to participate jointly with a health care provider involved in the adverse health care incident.

HOW DOES CANDOR WORK?

The Colorado Candor Act formalizes a non-adversarial process where there can be open communication about what happened, why it happened, and what can be done to prevent this in the future. This process is initiated by the health care provider involved in the incident. The discussions under Candor are confidential and privileged, and this facilitates communication between providers and patients in a way that is not hindered by the threat of these communications being used against the provider or facility in subsequent litigation. Under certain circumstances, the process may include an offer of compensation. Because no payments are made as a result of a written complaint or claim demanding payment based on a practitioner’s provision of health care services, incidents handled through the Candor process are not required to be reported to the National Practitioner Data Bank.

DOES COPIC OFFER CANDOR RESOURCES?

Resources are available on COPIC’s website on our Colorado Candor Act Resources page, www.callcopic.com/resource-center/guidelines-tools/colorado-candor-act-resources. As with all incidents, COPIC insureds should call us to report an incident, and an occurrence specialist nurse will evaluate it with our internal team to determine if it is appropriate to utilize Candor.



THE LEGISLATIVE LANDSCAPE

2020 STATE ELECTION RESULTS AND OUR FOCUS ON THE ROAD AHEAD

With the November elections over, our focus moves to preparing for the 2021 legislative session. The 2020 Nebraska legislative session was unprecedented due to the Coronavirus pandemic and the policy and budget challenges that followed. The Nebraska Legislature will have the difficult task of balancing COVID-related costs and Medicaid expansion costs while faced with stagnant state revenues when it adopts a new two-year state budget.

Incumbent Republican Senator Ben Sasse held his Senate seat against Democratic challenger Chris Janicek. We are keeping an eye on health care policies at the federal level, such as telehealth expansion, the Affordable Care Act, and COVID-19 protections, and how they might impact state policies and your ability to deliver safe, quality care.



2020 STATE ELECTION RESULTS

COPIC is encouraged that many of the incumbents we support were re-elected to the Unicameral by their constituents. While the Unicameral is an officially nonpartisan legislature, registered Republican senators previously out-numbered Democrats and Libertarians by 30(R)—18(D)—1(I). The November elections resulted in the Republicans expanding their majority in the Unicameral to 32(R)—17(D). Of significant note, the Republican Party moved one seat closer to a filibuster-proof majority.



POLICY AREAS TO MONITOR IN 2021

Through conversations and meetings with our health care partners in Nebraska, our Public Affairs team has identified a handful of potential public policy topics that we expect to be at the forefront of the 2021 legislative session:

- Occupational licensing reform—expanded scope for certain licensures, licensing consolidation, licensing across state lines, and licensing with a criminal history
- Telehealth expansion and telehealth payment parity
- Medicaid expansion revisions (Medicaid was expanded on October 1st, 2020)
- Further efforts to address behavioral and mental health
- Increasing childhood vaccine rates by eliminating philosophical objections
- Medical marijuana

The Nebraska Unicameral is slated to convene on January 7, 2021 and adjourn on June 3, 2021.



BILLS OF INTEREST SIGNED INTO LAW IN 2020

Physician Assistants Scope of Practice, Legislative Bill 755, a bill aimed at amending provisions under barber and nail tech licenses, acted as a vehicle for two bills (below) relating to physician assistants (PAs) and allowing for their passage. Legislative Bill 755 was approved by the governor on August 17, 2020.

1. The first bill, Legislative Bill 37, expands the scope of practice of PAs allowing them to practice under the direction of a licensed podiatrist.
2. The second bill, Legislative Bill 772, makes changes to the scope of practice for PAs and their on-site supervision requirements. LB 772 allows PAs to perform medical services under a collaborative agreement under the supervision of a physician or podiatrist, replacing the practice agreement requirement. The bill did not change the requirement that PAs perform medical services that are delegated by and provided under the supervision of a licensed physician. Additionally, the bill did not change statutory language that any physician or physician groups utilizing PAs are liable for any negligent acts/omissions of PAs while acting under their supervision.

Ambulatory Surgery Centers, Legislative Bill 783, is a bill that expands the definition of an Ambulatory Surgery Center (ASC) to allow for stays following anesthesia for up to 24 hours. Prior to this, by definition, an ASC patient must be discharged on the same working day, even if anesthesia was administered. The bill, designated a priority bill by Senator Lowe, housed two COPIC priority bills—Legislative Bill 838 and Legislative Bill 1104 (both below). Legislative Bill 783 was signed by the governor on August 10, 2020.

LEGISLATIVE LANDSCAPE (FROM PAGE 1)

- **Health Care Provider Licensure Exemptions,** Legislative Bill 838, is a bill providing licensure exemptions to providers working under the supervision of a licensed physician. The bill has the potential to increase access to care by allowing more trained health care workers to provide services assigned by a physician within accepted medical standards. This bill was carried by the Nebraska Medical Association (NMA) and COPIC was in strong support. LB 838 was amended into LB 783 (see previous page) and has been signed by the governor.
- **Nonprofit Peer Review,** Legislative Bill 1104, adds nonprofit entities to those that are recognized as professional review entities. This bill expands peer review protections to these nonprofits. COPIC was in

support of this legislation. LB1104 was amended into LB 783 (see previous page) and has been signed by the governor.

As always, COPIC will continue to monitor legislative activities with our partners, including the Nebraska Medical Association. To learn more about COPIC's legislative and policy engagement efforts, contact Beverly Razon, Senior Vice President of Public Affairs, at (720) 858-6056 or brazon@copic.com. For information on legislation or to find your elected officials, visit us at www.callcopic.com and go to the Legislative Action Center link under the Resource Center section.

2020 COPIC HUMANITARIAN AWARD: DR. DONNA FABER

We are proud to announce that Dr. Donna Faber, a family medicine physician in Omaha, was chosen as the 2020 recipient of COPIC's Humanitarian Award. Dr. Faber is recognized for her commitment to making a difference in health care. The award was presented to Dr. Faber at the Nebraska Medical Association's annual meeting in September.



Dr. Faber maintains a busy practice including outpatient obstetrics, preventive care, chronic disease management, mental health treatment, gynecology including colposcopy, and delivering babies. In addition to these responsibilities, she has mentored new immigrant families in the past and currently coordinates a weekly food bank for patients.

Dr. Faber's efforts with OneWorld go beyond basic assistance by demonstrating that someone cares about people in need enough to organize and provide for them when there may be very few other places in someone's life where they would get that feeling.

Earlier this year, Dr. Faber worked to expand access to employees whose spouses/families lost hours or work due to the COVID-19 pandemic. She is deeply involved with OneWorld Community Health Centers, which provides care and support to underserved populations, and is a founding and longstanding member of OneWorld's Rainbow Committee LGBTQ+ taskforce as an active advocate for sexual and gender minorities.

The COPIC Humanitarian Award recognizes a physician going above the call of duty in the Nebraska health care community. Dr. Faber chose OneWorld Community Health Centers as the beneficiary of the \$10,000 donation associated with the award.

“ I want Dr. Faber to be recognized precisely because she is not the kind of person to seek recognition or praise for herself, and is doing all that she does simply because she believes it is the right thing to do. Through and through, she is kind, compassionate and dedicated to her patients, her coworkers and her community. She exemplifies the best ideals of medicine and of her faith with how she chooses to spend her time, talent and treasure. I feel that recognizing her will inspire others, thank her for her efforts, and let underserved and disadvantaged people of many different experiences know that there is one more person out there who cares for them.

~Dr. Alex Dworak, Nominator ”



THE LEGISLATIVE LANDSCAPE

2020 STATE ELECTION RESULTS AND OUR FOCUS ON THE ROAD AHEAD

With the November elections over, our focus moves to preparing for the 2021 legislative session. The 2020 Iowa legislative session was unprecedented due to the Coronavirus pandemic and the policy and budget challenges that followed. Iowa's budget is in good shape going into fiscal year 2022 (July 1, 2021–June 30, 2022) despite Iowa's revenue estimating conference, which met mid-October, and predicted that the state would take in slightly less money than the year before.

Incumbent Republican Senator Joni Ernst held her Senate seat against Democratic challenger Theresa Greenfield. Iowa's U.S. House delegation flipped from three Democrats and one Republican to at least a 2-2 split. The final breakdown is still being determined. The race for Iowa's second congressional seat between sitting-Republican State Senator Mariannette Miller-Meeks and Democrat Rita Hart is still too close to call as of the writing of this publication. The race will inevitably go to a recount in the coming weeks. We are keeping an eye on health care policies at the federal level, such as telehealth expansion, the Affordable Care Act, and COVID-19 protections, and how they might impact state policies and your ability to deliver safe, quality care.



2020 STATE ELECTION RESULTS

Looking at statewide races, Iowa's State Senate will remain in Republican control with a 32(R)—18(D) majority. The big shift was in the Iowa House of Representatives. Heading into the election, there were talks that the Democrats would pick up enough seats to gain control of the chamber. However, Republicans were able to expand their majority by picking up six additional seats. The Republican majority increased from 53(R)—47(D) to 59(R)—41(D), solidifying the Republicans' control of the chamber.

Governor Kim Reynolds was not on the ballot in 2020. The governor has two years left in her first term.



POLICY AREAS TO MONITOR IN 2021

Through conversations and meetings with our health care partners in Iowa, our Public Affairs team has identified a handful of potential public policy topics that we expect to be at the forefront of the 2021 legislative session:

1. Cap on medical liability damages
2. Telehealth payment parity
3. Patient and provider safety

The Iowa Legislature is expected to convene on January 11, 2021 and adjourn on April 30, 2021.



BILLS OF INTEREST SIGNED INTO LAW IN 2020

COVID-19 Liability Protections, Senate File 2338, was a bill that originally included the health care community's non-economic damages caps language. The bill easily cleared the Senate but faced an uphill battle in the House. The bill language was amended in the House to remove the medical malpractice caps language and was replaced with COVID-19 health care provider liability protections. The conversations around adopting a hard cap on non-economic damages are not over, and COPIC and our partners are pleased with the COVID-19 protections put in place. This bill was signed by the governor on June 18, 2020.

Candor Law Expansion, Senate File 2284, adds the University of Iowa hospitals and clinics to the definition of "health facility" under the Candor law (2015). The bill also allows a "health care facility" to enter into Candor on its own. Previously a health care provider (an individual such as a physician or APRN) could initiate Candor or initiate Candor jointly with a health facility. The bill extends the time frame in which a health care provider or health care facility can provide notice to a patient of the desire to enter into a Candor open discussion from 180 days to one year after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. This bill was signed by the governor on June 17, 2020.

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LEGISLATIVE LANDSCAPE (FROM PAGE 1)

Scope of Practice for Physician Assistants, Senate File 2357, expands the scope of practice for physician assistants (PAs). The bill provides that a PA may prescribe, dispense, order, administer, or procure prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy under certain conditions and subject to rulemaking. The bill also includes PAs in the list of health care providers that can be held liable for personal injury and in provisions relating to the recovery of monetary compensation for damages due to personal injury. The bill requires extensive rulemaking by the Board of Medicine and the Board of Physicians Assistants to implement the provisions of the bill. This bill was signed by the governor on March 18, 2020.

As always, COPIC will continue to monitor legislative activities with our partners, including the Iowa Medical Society. To learn more about COPIC's legislative and policy engagement efforts, contact Beverly Razon, Senior Vice President of Public Affairs, at (720) 858-6056 or brazon@copic.com. For information on legislation or to find your elected officials, visit us at www.callcopic.com and go to the Legislative Action Center link under the Resource Center section.

ADVERSE INCIDENT?

CONSIDER UTILIZING THE IOWA CANDOR ACT WITH COPIC'S GUIDANCE

WHAT IS CANDOR?

The term "Candor" is used in health care to describe a framework for addressing adverse health care incidents in a way that preserves the provider-patient relationship, allows for open communication, and supports improvements in patient safety. In 2015, Iowa passed the Iowa Candor Law that enables health care providers and facilities to offer timely and thorough responses to patients who experience an adverse incident.

HOW DOES CANDOR WORK?

The Iowa Candor Law formalizes a non-adversarial process where there can be open communication about what happened, why it happened, and what can be done to prevent this in the future. This process is initiated by the health care provider involved in the incident. The discussions under Candor are confidential and privileged, and this facilitates communication between providers and patients in a way that is not hindered by the threat of these communications being used against the provider or facility in subsequent litigation. Under certain circumstances, the process may include an offer of compensation. Because no payments are made as a result of a written complaint or claim demanding payment based on a practitioner's provision of health care services, incidents handled through the Candor process are not required to be reported to the National Practitioner Data Bank.

WHAT TYPES OF MEDICAL PROVIDERS AND FACILITIES CAN UTILIZE THE IOWA CANDOR ACT?

Physicians, physician assistants, podiatrists, licensed practical and registered nurses, advanced registered nurse practitioners, pharmacists, and any other person who is licensed, certified, or otherwise authorized or permitted under Iowa law to administer health care in the ordinary course of business or in the practice of a profession. In addition, hospitals, health care facilities, organized outpatient health facilities, outpatient surgical facilities, birthing centers, clinics, and community health centers are among the health facilities that can participate in Candor when an adverse health care incident occurs in the health facility.

WHAT CANDOR RESOURCES DOES COPIC OFFER?

Resources are available on COPIC's website on our Iowa Candor Law page, www.callcopic.com/resource-center/guidelines-tools/iowa-candor-law-resources. As with all incidents, COPIC insureds should call us to report an incident, and an occurrence specialist nurse will evaluate it with our internal team to determine if it is appropriate to utilize Candor.